

FILEDIN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

AUG 20 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY SM
DEPUTY CLERK

UNITED STATES OF AMERICA

SA 14CR0669

v.

Docket No. 7:10-CR-241-02 RAJ

ROXANE CRUZ

FILED

AUG 21 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY SM
DEPUTY CLERKTRANSFER OF JURISDICTION

On this day came to be considered the above-styled and numbered cause. On October 31, 2013, the Defendant, Roxane Cruz, began service of the term of supervised release imposed in this case on March 23, 2011. The Defendant is now facing law violations of her supervised release conditions in San Antonio, Texas under docket number 7:10-CR-241-02 RAJ and on the basis of these violations, the probation officer will pursue revocation of her term of supervised release. The Court finds that jurisdiction of such proceedings should be transferred from the Midland Division to the San Antonio Division in the best interests of justice in order to modify the Defendant's conditions of supervised release and to address any further issues that may arise.

It is therefore ORDERED that the above-styled and numbered cause be, and it is hereby, TRANSFERRED to the San Antonio Division of the Western District of Texas.

It is further ORDERED that the U.S. Clerk's Office in Midland, Texas transfer the file to the U.S. Clerk's Office in San Antonio, Texas.

SIGNED AND ENTERED this 20th day of August 2014.


 ROBERT JUNELL
 UNITED STATES DISTRICT JUDGE

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (Midland)
CRIMINAL DOCKET FOR CASE #: 7:10-cr-00241-RAJ-2**

Case title: USA v. Smith et al

Date Filed: 08/25/2010
Date Terminated: 03/24/2011

Assigned to: Judge Robert A. Junell

Defendant (2)

Roxane Cruz
TERMINATED: 03/24/2011

represented by **Robert R. Sykes**
Attorney at Law
P.O. Box 102
Midland, TX 79702-0102
432-235-0747
Email: sykes74@yahoo.com
TERMINATED: 03/24/2011
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS,
defendant, did conspire with each other
to possess with intent to distribute an
amount of oxycodone and cocaine in
violation of Title 21, USC 841(a)(1)
and 841(b)(1)(C) and Title 21, USC
846.
(1)

Disposition

Defendant sentenced to 37 months
imprisonment, 3 years supervised
release, \$100.00 special assessment fee

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Disposition

None

Plaintiff

USA

represented by **Austin M. Berry**
Assistant United States Attorney
400 W. Illinois Street
Suite 1200
Midland, TX 79701-4310
(432) 686-4110
Fax: (432) 686-4131
Email: austin.berry@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Assistant U.S. Attorney
601 N.W. Loop 410
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(210) 384-7030
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LEAD ATTORNEY
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Kristy Karen Callahan
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Susan B. Biggs
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601 N.W. Loop 410, Suite 600
San Antonio, TX 78216
(210)384-7255
Fax: 210/384-7247
Email: martha.fowler@usdoj.gov
TERMINATED: 06/06/2012
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

08/25/2010	<u>1</u>	SEALED INDICTMENT (Redacted Version) filed Unredacted document sealed pursuant to E-Government Act of 2002 as to Ricky Olin Smith (1) count(s) 1, Roxane Cruz (2) count(s) 1, Frank Navarro Dominguez (3) count(s) 1, Debrah Ann Buchanan (4) count(s) 1, Rene Delarosa (5) count (s) 1. (rew,) (Entered: 08/26/2010)
08/25/2010	<u>2</u>	MOTION to Seal Indictment/Information by USA as to Ricky Olin Smith, Roxane Cruz, Frank Navarro Dominguez, Debrah Ann Buchanan, Rene Delarosa. (rew,) (Entered: 08/26/2010)
08/25/2010	<u>3</u>	ORDER GRANTING <u>2</u> Motion to Seal Indictment/Information as to Ricky Olin Smith (1), Roxane Cruz (2), Frank Navarro Dominguez (3), Debrah Ann Buchanan (4), Rene Delarosa (5). Signed by Judge David Counts. (rew,) (Entered: 08/26/2010)
08/25/2010	<u>4</u>	ORDER FOR ISSUANCE OF Bench Warrant as to Ricky Olin Smith, Roxane Cruz, Frank Navarro Dominguez, Debrah Ann Buchanan, Rene Delarosa. Signed by Judge David Counts. (rew,) (Entered: 08/26/2010)
08/25/2010	<u>6</u>	Bench Warrant Issued by Judge David Counts as to Roxane Cruz. (rew,) (Entered: 08/26/2010)
08/25/2010	<u>10</u>	ORDER as to Ricky Olin Smith, Roxane Cruz, Frank Navarro Dominguez, Debrah Ann Buchanan, Rene Delarosa re <u>3</u> Order on Motion to Seal Indictment/Information. Signed by Judge David Counts. (sm,) (Entered: 08/26/2010)
08/25/2010	<u>17</u>	REDACTED INDICTMENT/INFORMATION as to Roxane Cruz. (sm,) (Entered: 09/03/2010)
09/03/2010		Arrest of Roxane Cruz in San Antonio, Texas(sm,) Modified on 9/3/2010 to add text(sm,). (Entered: 09/03/2010)
09/03/2010		INDICTMENT UNSEALED as to Roxane Cruz (sm,) (Entered: 09/03/2010)
09/15/2010	<u>38</u>	Rule 5(c)(3) Documents Received as to Roxane Cruz (rew,) (Entered: 09/16/2010)
09/15/2010	<u>39</u>	MOTION to Detain Defendant without Bond by USA as to Roxane Cruz. (Attachments: # <u>1</u> Proposed Order)(rew,) (Entered: 09/16/2010)
09/15/2010	<u>40</u>	ORDER OF TEMPORARY DETENTION: Bond set to No Bond as to Roxane Cruz. Signed by Judge John W. Primomo. (rew,) (Entered: 09/16/2010)
09/15/2010	<u>41</u>	Minute Entry for proceedings held before Judge John W. Primomo:Detention Hearing as to Roxane Cruz held on 9/15/2010 (Minute entry documents are not available electronically.) (Court Reporter Digital.) (rew,) (Entered: 09/16/2010)
09/15/2010	<u>42</u>	ORDER DENYING <u>39</u> Motion to Detain Defendant without Bond and Setting Conditions of Release. Bond set to \$25,000.00 Unsecured as to Roxane Cruz (2). Signed by Judge John W. Primomo. (rew,) (Entered: 09/16/2010)

		09/16/2010)
09/15/2010	<u>43</u>	Unsecured Bond Filed as to Roxane Cruz in amount of \$ 25,000.00. Receipt # No Payment Required. (rew,) (Entered: 09/16/2010)
09/15/2010	<u>44</u>	ORDER Setting Conditions of Release and Denying Motion to Detain Defendant without Bond as to Roxane Cruz (2) Unsecured \$25,000. Motions terminated:. Signed by Judge John W. Primomo. (rew,) (Entered: 09/16/2010)
09/20/2010	<u>58</u>	Arrest Warrant Returned Executed on 09/03/10 as to Roxane Cruz. (rew,) (Entered: 09/20/2010)
09/29/2010	<u>73</u>	ORDER as to Roxane Cruz, Attorney Robert R. Sykes for Roxane Cruz added. Signed by Judge David Counts. (rew,) (Entered: 09/29/2010)
09/29/2010	<u>75</u>	CJA 20 as to Roxane Cruz, appointment of attorney Robert Sykes. Signed by Judge David Counts. (rew,) (Entered: 09/29/2010)
10/04/2010	<u>78</u>	Minute Entry for proceedings held before Judge David Counts:Arraignment as to Roxane Cruz (2) Count 1. Plea of not guilty entered on 10/4/2010 (Minute entry documents are not available electronically.) (Court Reporter Digital.) (rew,) (Entered: 10/05/2010)
10/04/2010	<u>79</u>	SCHEDULING ORDER as to Roxane Cruz Plea Agreement due by 11/18/2010. Docket Call set for 11/3/2010 10:00 AM before Judge David Counts. Jury Selection set for 12/6/2010 08:30AM before Judge Robert A. Junell. Jury Trial set for 12/6/2010 08:30 AM before Judge Robert A. Junell.. Signed by Judge David Counts. (rew,) (Entered: 10/05/2010)
11/01/2010	<u>97</u>	ORDER as to Roxane Cruz, (Rearraignment set for 11/8/2010 02:00 PM before Judge David Counts.). Signed by Judge David Counts. (rew,) (Entered: 11/01/2010)
11/02/2010	<u>99</u>	Unopposed MOTION for Psychiatric Exam <i>and Motion for Continuance, with proposed Orders</i> by Roxane Cruz. (Sykes, Robert). Added MOTION to Continue on 11/2/2010 (rew,). (Entered: 11/02/2010)
11/02/2010		Notice of Correction: re <u>99</u> Unopposed MOTION for Psychiatric Exam <i>and Motion for Continuance, with proposed Orders</i> MOTION to Continue. Both Motions should have been selected at time of filing, Motion to Continue added to docket report, no attorney action needed. (rew,) (Entered: 11/02/2010)
11/03/2010	<u>101</u>	Minute Entry for proceedings held before Judge David Counts:Docket Call as to Roxane Cruz held on 11/3/2010 (Minute entry documents are not available electronically.) (Court Reporter Digital.) (rew,) (Entered: 11/04/2010)
11/04/2010	<u>102</u>	ORDER GRANTING MOTION FOR CONTINUANCE as to Roxane Cruz, Frank Navarro Dominguez: <u>99</u> Unopposed MOTION for Psychiatric Exam <i>and Motion for Continuance, with proposed Orders</i> MOTION to Continue filed by Roxane Cruz. (Jury Selection set for 1/3/2011 08:30 AM before Judge Robert A. Junell., Jury Trial set for 1/3/2011 08:30 AM before

		Judge Robert A. Junell.). Signed by Judge Robert A. Junell. (rew,) (Entered: 11/04/2010)
11/04/2010	<u>103</u>	ORDER for Psychiatric Examination as to Roxane Cruz. Signed by Judge David Counts. (rew,) (Entered: 11/04/2010)
11/04/2010	<u>104</u>	ORDER CANCELLING Rearraignment as to Roxane Cruz re <u>97</u> Order, Set Hearings. Signed by Judge David Counts. (rew,) (Entered: 11/04/2010)
11/05/2010	<u>105</u>	SCHEDULING ORDER as to Roxane Cruz, Frank Navarro Dominguez Plea Agreement due by 12/16/2010. Docket Call set for 12/1/2010 10:00 AM before Judge David Counts. Jury Selection set for 1/3/2011 08:30AM before Judge Robert A. Junell. Jury Trial set for 1/3/2011 08:30 AM before Judge Robert A. Junell.. Signed by Judge David Counts. (rew,) (Entered: 11/05/2010)
11/16/2010	<u>106</u>	ORDER as to Roxane Cruz, (Mental/Physical Competency Hearing set for 12/1/2010 10:30 AM before Judge David Counts.). Signed by Judge David Counts. (rew,) (Entered: 11/16/2010)
11/16/2010		Psychiatric Report Received (Sealed) as to Roxane Cruz (rew,) (Entered: 11/16/2010)
11/16/2010	<u>107</u>	ORDER SEALING EVALUATION REPORT as to Roxane Cruz re Psychiatric Report. Signed by Judge David Counts. (rew,) (Entered: 11/16/2010)
11/17/2010	<u>108</u>	ORDER RESETTING as to Roxane Cruz re <u>106</u> Order, Set Hearings, (Mental/Physical Competency Hearing REset for 12/1/2010 01:30 PM before Judge David Counts., Rearraignment set for 12/1/2010 01:30 PM before Judge David Counts.). Signed by Judge David Counts. (rew,) (Entered: 11/17/2010)
12/01/2010	<u>114</u>	Minute Entry for proceedings held before Judge David Counts:Mental/Physical Competency Hearing as to Roxane Cruz held on 12/1/2010 (Minute entry documents are not available electronically.) (Court Reporter Digital.) (rew,) (Entered: 12/02/2010)
12/01/2010	<u>115</u>	ORDER DETERMINING DEFENDANT'S COMPETENCY as to Roxane Cruz re Psychiatric Report. Signed by Judge David Counts. (rew,) (Entered: 12/02/2010)
12/01/2010	<u>116</u>	Minute Entry for proceedings held before Judge David Counts:Rearraignment held on 12/1/2010 ; Plea of guilty entered as to Roxane Cruz (2) Count 1 ;Referred to Probation for Presentence Report (Minute entry documents are not available electronically.) (Court Reporter Digital.) (rew,) (Entered: 12/02/2010)
12/01/2010	<u>117</u>	Consent to administration of guilty plea and Rule 11 Allocution by a United States Magistrate Judge by Roxane Cruz (rew,) (Entered: 12/02/2010)
12/01/2010	<u>118</u>	PLEA AGREEMENT as to Roxane Cruz (Plea agreement documents are not available electronically.) (rew,) (Entered: 12/02/2010)

12/01/2010	<u>119</u>	FINDINGS OF FACT AND RECOMMENDATION on felony guilty plea before the United States Magistrate Judge as to Roxane Cruz. Signed by Judge David Counts. (rew,) (Entered: 12/02/2010)
12/07/2010	<u>120</u>	ORDER as to Roxane Cruz, (Sentencing set for 3/2/2011 08:30 AM before Judge Robert A. Junell.). Signed by Judge Robert A. Junell. (rew,) (Entered: 12/07/2010)
12/17/2010	<u>124</u>	ORDER accepting re <u>119</u> Findings of Fact on Plea as to Roxane Cruz. Guilty plea accepted.. Signed by Judge Robert A. Junell. (rew,) (Entered: 12/17/2010)
02/11/2011	<u>146</u>	ORDER RESETTING as to Roxane Cruz, (Sentencing reset for 3/3/2011 03:00 PM before Judge Robert A. Junell.). Signed by Judge Robert A. Junell. (kd) (Entered: 02/11/2011)
03/03/2011	<u>151</u>	Minute Entry for proceedings held before Judge Robert A. Junell:Miscellaneous Hearing as to Roxane Cruz held on 3/3/2011 (Minute entry documents are not available electronically.) (Court Reporter Todd Anderson.) (rew,) (Entered: 03/03/2011)
03/03/2011	<u>152</u>	ORDER RESETTING as to Roxane Cruz, (Sentencing REset for 3/23/2011 10:00 AM before Judge Robert A. Junell.). Signed by Judge Robert A. Junell. (rew,) (Entered: 03/03/2011)
03/23/2011	<u>160</u>	Minute Entry for proceedings held before Judge Robert A. Junell:Sentencing held on 3/23/2011 for Roxane Cruz (2), Count(s) 1, Defendant sentenced to 37 months imprisonment, 3 years supervised release, \$100.00 special assessment fee. (Minute entry documents are not available electronically.) (Court Reporter Todd Anderson.) (rew,) (Entered: 03/23/2011)
03/24/2011	<u>163</u>	JUDGMENT AND COMMITMENT as to Roxane Cruz. Signed by Judge Robert A. Junell. (rew,) (Entered: 03/25/2011)
03/24/2011	<u>164</u>	Sealed Statement of Reasons as to Roxane Cruz (SOR documents are not available electronically.) (rew,) (Entered: 03/25/2011)
06/06/2012	<u>178</u>	Notice of Substitution of Counsel: as to Ricky Olin Smith, Roxane Cruz, Frank Navarro Dominguez, Debrah Ann Buchanan, Rene Delarosa. (Callahan, Kristy) (Entered: 06/06/2012)
08/20/2014	<u>193</u>	Probation/Supervised Release Jurisdiction Transferred to San Antonio Division of the Western District of Texas as to Roxane Cruz (sm) (Entered: 08/21/2014)

SEALED

FILED

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

AUG 25 2010

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

V.

RICKY OLIN SMITH

ROXANE CRUZ

FRANK NAVARRO DOMINGUEZ

DEBRAH ANN BUCHANAN

RENE DELAROSA,

Defendants.)

) CRIMINAL NO.

) INDICATE

) [Vio: 21 U.S.C. § 846 -

) Conspiracy;

) 21 U.S.C. § 841(a)(1)-

) Possession With Intent to

) Distribute a Controlled

) Substance]

)

)

)

)

)

THE GRAND JURY CHARGES:

COUNT ONE

[21 U.S.C. § 846]

That from on or about September 1, 2009 to on or about August 25, 2010, in the
Western District of Texas, and elsewhere, the Defendants,

**RICKY OLIN SMITH
ROXANE CRUZ
FRANK NAVARRO DOMINGUEZ
DEBRAH ANN BUCHANAN
and
RENE DELAROSA,**

did combine, conspire, confederate and agree together and with each other to possess with
intent to distribute a controlled substance, which offense involved a quantity of a mixture and
substance containing a detectable amount of oxycodone, a Schedule I Controlled Substance,
and cocaine, a Schedule II Controlled Substance, contrary to Title 21, United States Code,

Sections 841(a)(1) and 841(b)(1)(C), in violation of Title 21, United States Code, Section 846.

A TRUE BILL.

~~Original signature of the~~
~~foreperson of the Grand Jury~~

FOREPERSON OF THE GRAND JURY

JOHN E. MURPHY
UNITED STATES ATTORNEY



AUSTIN M. BERRY
Assistant United States Attorney

SEALED

PERSONAL DATA SHEET
 UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

MO10CR02-1

SEALED: XX		UNSEALED:
COUNTY: Midland	DIVISION: MIDLAND/ODESSA	JUDGE: JUNELL
DATE: August 25, 2010	MAG CT #: N/A	FBI #:
CASE NO: MO-10-CR-	ASSISTANT U.S. ATTORNEY: AUSTIN M. BERRY	
DEFENDANT: ROXANE CRUZ		DOB: XXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		EMPLOYED APPOINTED
DEFENDANT IS: No bond set - Not arrested		
DATE OF ARREST: Not arrested		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
YOUTH CORRECTIONS ACT APPLICABLE: No		
PROSECUTION BY: Indictment		
OFFENSE (Code and Description): Ct. 1 - 21 USC 846 - Conspiracy to possess with intent to distribute oxycodone, a Schedule I Controlled Substance, and cocaine, a Schedule II Controlled Substance.		
OFFENSE IS: FELONY		
MAXIMUM SENTENCE: Ct. 1 - A term of imprisonment not to exceed 20 years; a mandatory minimum 3 year term of supervised release; a fine not to exceed \$1 million; and a mandatory \$100 special assessment.		
PENALTY IS MANDATORY: As stated above.		
REMARKS: AGENT: Ed Marker Midland Police Department 601 North Loraine Midland, Texas 79701 432-685-7108 main 432-685-0536 fax 432-685-7173 narcotics		

FILED

UNITED STATES DISTRICT COURT
Western District of Texas
 MIDLAND DIVISION

MAR 24 2011

CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY RW
 DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Case Number 7:10-CR-241-02 RAJ
 USM Number 65871-280

ROXANE CRUZ

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, ROXANE CRUZ, was represented by Robert R. Sykes.


The defendant pled guilty to Count(s) 1 of the Indictment on December 1, 2010. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count (s)</u>
21 U. S. C. § 841(a)(1)	Conspiracy to Possess with	August 25, 2010	1
21 U. S. C. § 841(b)(1)(C)	Intent to Distribute Oxycodone		
21 U. S. C. § 846			

As pronounced on March 23, 2011, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 24 day of March, 2011.


 ROBERT JUNELL
 United States District Judge

Judgment--Page 2

Defendant: ROXANE CRUZ
Case Number: 7:J10-CR-241-02 RAJ

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 37 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant serve this sentence at F. C. I., Bryan.

That the defendant participate in the Bureau of Prisons' Inmate Education Program and acquire her GED while incarcerated.

That the defendant participate in a mental health program while incarcerated.

That the defendant participate in the Bureau of Prisons' Inmate Job Training Program while incarcerated.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: ROXANE CRUZ
Case Number: 7:J10-CR-241-02 RAJ

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of Three (3) years.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court as set forth on pages 4 and 5 of this judgment; and shall comply with the following additional conditions:

- X The defendant shall not be permitted to reside any place where firearms are possessed or stored.
- X The defendant shall have no contact with her co-defendants, whether by phone, e-mail, fax, letter or in person, during the term of supervision.
- X The defendant shall obtain her GED during the term of supervision.
- X The Defendant shall not be permitted to reside or travel in San Angelo, Texas during the term of supervision.

Defendant: ROXANE CRUZ

Case Number: 7:J10-CR-241-02 RAJ

CONDITIONS OF SUPERVISION

Mandatory Conditions:

- 1) The defendant shall not commit another federal, state, or local crime.
- 2) The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
- 3) In supervised release cases only, the defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- 4) If convicted of a felony, the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- 5) The defendant shall cooperate in the collection of DNA as directed by the probation officer if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- 6) If convicted of a sexual offense as described in 18 U.S.C. § 4042(c)(4), the defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.
- 7) If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- 8) If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.

Standard Conditions:

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer.
- 2) The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the Probation Officer and follow the instructions of the Probation Officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the Probation Officer for schooling, training or other acceptable reasons.
- 6) The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer.
- 10) The defendant shall permit a Probation Officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the Probation Officer.
- 11) The defendant shall notify the Probation Officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: ROXANE CRUZ

Case Number: 7:10-CR-241-02 RAJ

- 14) If convicted of a sexual offense as described in 18 U.S.C. § 4042(c)(4), or has a prior conviction of a State or local offense that would have been an offense as described in 18 U.S.C. § 4042 (c)(4) if a circumstance giving rise to Federal jurisdiction had existed, the defendant shall participate in a sex offender treatment program approved by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to polygraph testing, to determine if the defendant is in compliance with the conditions of release. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- 15) The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 16) The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 17) If the defendant is excluded, deported, or removed upon release from imprisonment, the term of supervised release shall be a non-reporting term of supervised release. The defendant shall not illegally re-enter the United States. If the defendant lawfully re-enters the United States during the term of supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.
- 18) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- 19) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- 20) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the payment schedule.

The Court further adopts such of the following special conditions applied to the supervised person by the judge at the time of sentencing:

- 1) **COMMUNITY CONFINEMENT:** The defendant shall reside in a Community Corrections Center for a period of _____ months to commence on _____. Further, once employed, the defendant shall pay 25% of his/her weekly gross income for his/her subsistence as long as that amount does not exceed the daily contract rate.
- 2) **HOME DETENTION:** The defendant shall participate in the Home Confinement Program for a period of _____ days/months. During this time the defendant shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at his/her place of residence without "call forwarding," a "modem," "caller ID," "call waiting," or portable cordless telephones for the above period. At the direction of the probation officer, the defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The court further orders that the defendant shall pay for the costs of Home Confinement, as directed by the probation officer.
- 3) **COMMUNITY SERVICE:** The defendant shall perform _____ hours of community service work without pay, at a location approved by the probation officer, at a minimum rate of four hours per week, to be completed during the first _____ months of supervision.

Defendant: ROXANE CRUZ
Case Number: 7:J10-CR-241-02 RAJ

CRIMINAL MONETARY PENALTIES/ SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 200 E. Wall, Room 222, Midland, Texas 79701.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL:	\$100.00	\$0	\$0

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00. Payment of this sum shall begin immediately.

Fine

The fine is waived because of the defendant's inability to pay.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3684(f), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.